decr. No. see 1			
1	BILL LOCKYER, Attorney General		
2	of the State of California LORRIE M. YOST, State Bar No. 119088	ifornia State Bar No. 119088	
3	Deputy Attorney General California Department of Justice		
4	1300 I Street, Suite 125 P.O. Box 944255		
5	Sacramento, CA 94244-2550 Telephone: (916) 445-2271 Facsimile: (916) 327-8643		
6			
7	Attorneys for Complainant		
8	BEFORE THE		
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CAL	IFORNIA	
11	In the Matter of the Accusation Against:	Case No. 2945	
12	WILLIAM F. MOREA	OAH No. N-2006040225	
13	6039 Cypress Garden Blvd #143 Winter Haven, FL 33884	STIPULATED SURRENDER OF LICENSE AND ORDER	
14	Original Pharmacist License No. RPH 44753	LICENSE AND ORDER	
15	Respondent.		
16			
17	IT IS HEREBY STIPULATED AND AGREED by and between the parties in this		
18	proceeding that the following matters are true:		
19	<u>PARTIES</u>		
20	1. Patricia F. Harris (Complaina	nt) is the Executive Officer of the Board of	
21	Pharmacy. She brought this action solely in her office	cial capacity and is represented in this matter	
22	by Bill Lockyer, Attorney General of the State of Ca	lifornia, by Lorrie M. Yost, Deputy Attorney	
23	General.		
24	2. William F. Morea (Responder	nt) is representing himself in this proceeding	
25	and has chosen not to exercise his right to be represented by counsel.		
26	3. On or about September 4, 199	1, the Board of Pharmacy issued Original	
27	Pharmacist License No. RPH 44753 to William F. M.	Iorea (Respondent). The original pharmacist	
28	///		

license was in full force and effect at all times relevant to the charges brought in Accusation No. 2945 and will expire on April 30, 2007, unless renewed.

JURISDICTION

4. Accusation No. 2945 was filed before the Board of Pharmacy (Board),
Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
and all other statutorily required documents were properly served on Respondent on January 27,
2006. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of
Accusation No. 2945 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2945. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2945, agrees that cause exists for discipline and hereby surrenders his Original Pharmacist License No. RPH 44753 for the Board's formal acceptance.
- 9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his original pharmacist license without further process.

CONTINGENCY

Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

- 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. In consideration of the foregoing admissions and stipulations, the parties agree that the (Board) may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Original Pharmacist License No. RPH 44753 issued to Respondent William F. Morea is surrendered and accepted by the Board of Pharmacy.

- 13. The surrender of Respondent's original pharmacist license and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.
- 14. Respondent shall lose all rights and privileges as a pharmacist in California as of the effective date of the Board's Decision and Order.
- 15. Respondent shall cause to be delivered to the Board both his Original Pharmacist wall and pocket license on or before the effective date of the Decision and Order.

16. Respondent understands and agrees that if he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 2945 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition. Respondent may not reapply for licensure for at least three years from the effective date of this decision.

17. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$8,800.00 prior to issuance of a new or reinstated license.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my original pharmacist license. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 8/14/06.......

William F. Morea (Respondent)

Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: Hugust 8-2006

BILL LOCKYER, Attorney General of the State of California

LORRIE M. YOST Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SA2005104971 Morea.S&W.10257028.wpd

BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. 2945			
WILLIAM F. MOREA 6039 Cypress Garden Blvd #143 Winter Haven, FL 33884	OAH No. N-2006040225			
Original Pharmacist License No. RPH 44753				
Respondent.				
DECISION AND ORDER				
The attached Stipulated Surrender of License and Order is hereby adopted by the				
Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.				

This Decision shall become effective on <u>December 8, 2006</u>

It is so ORDERED November 8, 2006

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

Ву

WILLIAM POWERS

Board President

Exhibit A
Accusation No. 2945

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s.		
T C A		
1	BILL LOCKYER, Attorney General of the State of California	
2	LORRIE M. YOST, State Bar No. 119088	
3		
4		
5	Sacramento, CA 94244-2550 Telephone: (916) 445-2271	
6	Facsimile: (916) 327-8643	
7	Attorneys for Complainant	
• •		
8	BEFORE T BOARD OF PHA	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10		
11	In the Matter of the Accusation Against:	Case No. 2945
12	WILLIAM F. MOREA	A COMO A TILON
13	6039 Cypress Garden Blvd. 143 Winter Haven Florida 33884	ACCUSATION
14	Original Pharmacist License No. RPH 44753	
15	Respondent.	
16		
17	Complainant alleges:	
18	PARTIES	<u>S</u>
19	1. Patricia F. Harris (Complainan	t) brings this Accusation solely in her
20	official capacity as the Executive Officer of the Board	d of Pharmacy, Department of Consumer
21	Affairs.	
22	2. On or about September 4, 1991	I, the Board of Pharmacy issued Original
23	Pharmacist License Number RPH 44753 to William I	F. Morea (Respondent). Respondent's
24	original pharmacist license was in full force and effect	
25	herein and will expire on April, 30, 2007, unless rene	
26	///	
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JURISDICTION

- 3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
 - 4. Section 4301 of the Code states:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

- "(c) Gross negligence.
- "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.
- "(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.
- "(j) The violation of any of the statutes of this state or of the United States regulating controlled substances and dangerous drugs.
- "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board.
- 5. Section 4022 of the Code states in pertinent part that a dangerous drug is one that is unsafe for self-use in humans or animals, and includes any drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

6. Section 4060 of the Code states in pertinent part:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

- 7. Section 4327 states that any person who, while on duty, sells, dispenses or compounds any drug while under the influence of any dangerous drug or alcoholic beverages shall be guilty of a misdemeanor.
- 8. Health and Safety Code section 11170 states in pertinent part that no person shall prescribe, administer, or furnish a controlled substance for himself.
- 9. Health and Safety Code section 11350(a) states in pertinent part that, except as otherwise provided in this division, every person who possesses any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison.
- 10. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.
- 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.
- 12. Title 16 California Code of Regulations section 1714(c) states that pharmacy and fixtures and equipment shall be maintained in a clean and orderly condition. The

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1	pharmacy shall be dry, well-ventilated, free from rodents and insects, and properly lighted. The	
2	pharmacy shall be equipped with a sink with hot and cold running water for pharmaceutical	
3	purposes.	
4	<u>DRUGS</u>	
5	13. "Hydrocodone" is a Schedule III narcotic and controlled substance	
6	pursuant to Health and Safety Code section 11056(e)(4), and a dangerous drug under Business	
7	and Professions Code section 4022.	
8	14. "OxyContin" is the brand name of a time-release formula of the chemical	
9	oxycodone, a narcotic analgesic, a Schedule II controlled substance under Health and Safety	
10	Code section 11055(b)(1)(N), and a dangerous drug under Business and Professions Code section	
11	4022.	
12	FIRST CAUSE FOR DISCIPLINE	
13	(Moral Turpitude, Dishonesty, Corrupt Acts)	
14	15. Respondent is subject to disciplinary action under section 4301(f) in that	
15	on or about April 4, 2005, Respondent committed acts of moral turpitude, deceit and corruption.	
16	The facts and circumstances are that Respondent was videotaped stealing drugs from his	
17	employer, Longs Drug Store #209 by pouring the contents of a pharmacy bottle of	
18	hydrocodone/acetaminophen 10/325 tablets into his hand, and then placing the contents of his	
19	hand into his mouth.	
20	SECOND CAUSE FOR DISCIPLINE	
21	(Unlawful Possession)	
22	16. Respondent is subject to disciplinary action under section 4301(j) in that	
23	on or about April 4, 2005, he violated a state law regulating controlled substances and dangerous	
24	drugs, specifically Health and Safety Code section 11350. The facts and circumstances are that	
25	he possessed hydrocodone/acetaminophen 10/325, a Schedule III controlled substance and a	
26	narcotic drug, without the written prescription of a physician, dentist, podiatrist, or veterinarian.	
27	///	
28		

1	THIRD CAUSE FOR DISCIPLINE
2	(Unlawful Furnishing)
3	17. Respondent is subject to disciplinary action under section 4301(j) in that
4	on or about April 4, 2005, he violated a state law regulating controlled substances and dangerous
5	drugs, specifically Health and Safety Code section 11170. The facts and circumstances are that
6	he prescribed, administered and furnished to himself the contents of a pharmacy bottle of
7	hydrocodone/acetaminophen10/325 tablets belonging to his employer, Longs Drug Store #209.
8	FOURTH CAUSE FOR DISCIPLINE
9	(Unlawful Self-administration)
10	18. Respondent is subject to disciplinary action under section 4301(h) in that
11	on or about April 4, 2005, he administered to himself a controlled substance and dangerous drug
12	to the extent or in a manner as to be dangerous or injurious to himself or others, or to the extent
13	that the use impaired his ability to conduct with safety to the public his practice as a pharmacist.
14	The facts and circumstances are that Respondent poured the contents of a pharmacy bottle of
15	hydrocodone/acetaminophen 10/325 tablets into his hand and then placed the contents of his
16	hand into his mouth.
17	FIFTH CAUSE FOR DISCIPLINE
18	(Working While Under the Influence)
9	19. Respondent is subject to disciplinary action under section 4301(o) in that
20	on or about April 4, 2005, he violated a state law governing pharmacy, specifically section 4327.
21	The facts and circumstances are that, while on duty as the pharmacist in chief at Long Drugs#
22	209, he sold, dispensed or compounded drugs while under the influence of dangerous drugs
23	hydrocodone/aceaminophen and oxycontin.
24	SIXTH CAUSE FOR DISCIPLINE
25	(Gross Negligence)
26	20. Respondent is subject to disciplinary action under section 4301(c) as that
7	section interacts with California Code of Regulations section 1714(c), in that on or about March

30, 2005, he engaged in acts of gross negligence by failing to maintain the pharmacy and its

1	fixtures and equipment in a clean and orderly condition. The facts and circumstances are that,
2	while on duty at Longs Drugs # 209, Respondent obtained a 60-dram size amber prescription
3	vial, removed his pants and urinated into the vial. After filling the vial, Respondent placed it on
4	the pharmacy counter in the area where patient medications are regularly prepared.
5	<u>PRAYER</u>
6	WHEREFORE, Complainant requests that a hearing be held on the matters herein
7	alleged, and that following the hearing, the Board of Pharmacy issue a decision:
8	A. Revoking or suspending Original Pharmacist License Number RPH
9	44753, issued to William F. Morea.
10	B. Ordering William F. Morea to pay the Board of Pharmacy the reasonable
11	costs of the investigation and enforcement of this case, pursuant to Business and Professions
12	Code section 125.3;
13	C. Taking such other and further action as deemed necessary and proper.
14	
15	DATED: 1/23/06
16	
17	P. J. Harris
18	PATRICIA F. HARRIS Executive Officer
19	Board of Pharmacy Department of Consumer Affairs
20	State of California Complainant
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